

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 607

Introduced by Dw. Pedersen, 39

Read first time January 12, 2001

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
- 2 to amend section 83-182.01, Reissue Revised Statutes of
- 3 Nebraska; to change provisions relating to structured
- 4 programming; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-182.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 83-182.01. (1) Structured programming shall be planned
4 for all adult persons committed to the department. The structured
5 programming shall include any of the following: Work programs,
6 vocational training, behavior management and modification, money
7 management, and substance abuse awareness, counseling, or
8 treatment. Programs and treatment services shall address:

9 (a) Behavioral impairments, severe emotional
10 disturbances, and other mental health or psychiatric disorders;

11 (b) Drug and alcohol use and addiction;

12 (c) Health and medical needs;

13 (d) Education and related services;

14 (e) Counseling services for persons committed to the
15 department who have been physically or sexually abused;

16 (f) Work ethic and structured work programs; and

17 (g) The development and enhancement of job acquisition
18 skills and job performance skills.

19 (2) The goal of such structured programming is to provide
20 the skills necessary for the person committed to the department to
21 successfully return to his or her home or community or to a
22 suitable alternative community upon his or her release from the
23 adult correctional facility.

24 (3) If a person committed to the department intentionally
25 refuses to participate in the structured programming described in
26 subsection (1) of this section, he or she shall be subject to
27 disciplinary action. No person committed to the department shall
28 be subject to disciplinary action pursuant to this section (a) for

1 intentionally refusing to faithfully attend classes, meetings, and
2 educational, counseling, and treatment sessions provided for in the
3 programs, unless such person has first been suspended, expelled, or
4 removed from any class, meeting, or educational, counseling, or
5 treatment program as provided for in subsection (5) of this
6 section, (b) solely for having failed to meet standards for
7 successfully passing or completing any course of instruction,
8 counseling, or treatment, or (c) if such person is unable to
9 participate in any course of programming due to a waiting period or
10 to any other unavailability of programming placements.

11 (4) The department shall provide structured programming
12 for all persons committed to the department, including those placed
13 in solitary confinement, disciplinary confinement, or
14 administrative confinement. No person committed to the department
15 shall be subject to disciplinary action for failure to participate
16 in structured programming pursuant to this section if such person
17 is unable to participate in programming due to the fact that the
18 programming is unavailable to persons committed to solitary
19 confinement, disciplinary confinement, or administrative
20 confinement.

21 (5) The structured programming provided pursuant to this
22 section shall require that persons committed to the department
23 faithfully attend classes, meetings, and educational, counseling,
24 and treatment sessions provided for in the programs. No person
25 committed to the department shall be suspended, expelled, or
26 removed from any related series of classes or educational,
27 counseling, or treatment sessions for unexcused absences or tardy
28 attendance unless that person has been tardy more than five times

1 in any twelve-month period or has had more than one unexcused
2 absence in any twelve-month period. For purposes of this
3 subsection, unexcused absence means the failure of a person,
4 without excuse, to report for any individual class or session
5 before that class or session is completed.

6 ~~(4)~~ (6) Any person committed to the department who is
7 qualified by reason of education, training, or experience to teach
8 academic or vocational classes may be given the opportunity to
9 teach such classes to committed offenders as part of the structured
10 programming described in this section.

11 Sec. 2. Original section 83-182.01, Reissue Revised
12 Statutes of Nebraska, is repealed.